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October 10, 2002

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TO: Commissioner of Patents and Trademarks
Washington, D.C. 20231

Attn: Art Unit 2823 - Examiner Long Pham

FROM: George O. Saile, Reg. No. 19,572
20 McIntosh Drive
Poughkeepsie, N.Y. 12603

SUBJECT: Serial #: 09/972,639
File Date: Oct. 9, 2001
Inventor: MS Lin
Examiner: Long Pham
Art Unit: 2823
Title: Top Layers of Metal for High Performance ICs

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Election of Species Requirement in the Office Action dated Sept. 10, 2002. In that office action, applicant was required under 35 U.S.C. 121

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on Oct. 10, 2002.

Signature: 
Stephen B. Ackerman, Reg. No. 37,761

Date: 10/10/02

to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, and that currently no claim is generic.

The species stated are:

- I. a semiconductor device structure, which reads on Claims 29-32, 38-48 and 80-89, and
- II. a semiconductor wafer, which reads on Claims 90-99.

Applicant provisionally elects to be examined the species described by the Examiner as Group I, which reads on Claims 29-32, 38-48 and 80-89. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Election of Species given in the Office Action, because of the increased costs applicant would be forced to bear if the two species are separately examined. Furthermore, the field of search must necessarily cover both species, in addition to other related Classes and subclasses, to provide a complete and adequate search.

Withdrawal of the Election of Species Requirement, and allowance of the present Patent Application, is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'S. B. Ackerman', written in a cursive style.

Stephen B. Ackerman, Reg. No, 37,761